

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 7.00 AIR POLLUTION CONTROL REGULATIONS

**310 CMR 7.25 U BEST AVAILABLE CONTROLS FOR CONSUMER AND
COMMERCIAL PRODUCTS**

7.25: U Best Available Controls for Consumer and Commercial Products

(1) Introduction. 310 CMR 7.25 sets forth requirements for the control of volatile organic compound emissions from the use of consumer and commercial products, as they are defined in the Clean Air Act. The requirements include volatile organic compound emission standards, specific exemptions, and requirements for labeling, compliance certification, and testing. 310 CMR 7.25(1) through (8) contain general provisions, and are followed by specific control requirements.

(2) Definitions. Terms used in 310 CMR 7.25 are defined at 310 CMR 7.00: Definitions or in 310 CMR 7.25. Where a term is defined in both 310 CMR 7.00: Definitions and in 310 CMR 7.25, the definition in 310 CMR 7.25 is applicable.

AEROSOL means a product with a pressurized spray system that dispenses product ingredients by means of a propellant or mechanically induced force. "Aerosol Product" does not include pump sprays.

AIR FRESHENER means a product formulated for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. This does not include products that are used on the human body, products that function primarily as cleaning products, or disinfectant products claiming to deodorize by killing microbes on surfaces. It does include aerosol disinfectants and other products that are expressly represented for use as air fresheners. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label and packaging, and in the product's literature and advertising may be considered. The presence of and representations about a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.

ANTI-GRAFFITI COATING means a coating which is formulated for and applied to exterior or interior walls, doors, partitions, fences, signs, or murals to deter adhesion of graffiti and to resist repeated scrubbing with solvents, harsh cleansers, or scouring agents used to remove graffiti.

ANTIPERSPIRANT means a product that is formulated for the purpose of reducing perspiration in the human axilla by at least 20% in at least 50% of a target population.

APPURTENANCE means an accessory to an architectural structure, including, but not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain-gutters and down-spouts, window screens, lamp posts, heating and air conditioning equipment, large fixed stationary tools and concrete forms, and mechanical equipment.

ARCHITECTURAL COATING means any coating which is applied to stationary structures or their appurtenances, mobile homes, pavements, or curbs.

BEST AVAILABLE CONTROL (BAC) means the degree of emissions reduction that the Department determines, on the basis of technological and economic feasibility, health, environmental, and energy impacts, is achievable through the application of the most effective equipment, measures, processes, methods, systems, or techniques, including chemical reformulation, product or feedstock substitution, repackaging, and directions for use, consumption, storage, or disposal.

BAIT STATION INSECTICIDE means an insecticide consisting of a container enclosing an insecticidal bait that is not more than 0.5 ounce by weight, where the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5% active ingredients.

BITUMINOUS PAVEMENT SEALER means a black or brownish coating material, consisting mainly of hydrocarbons, which is soluble in carbon disulfide, and which is obtained from natural deposits or as residue from the distillation of crude oil or low grades of coal.

BOND BREAKER means a coating applied between layers of concrete to prevent the freshly poured layer of concrete from bonding to the layer over which it is poured.

CALCIMINE RECOATING PRODUCT means a flat solvent borne coating formulated and marketed specifically for recoating calcimine-painted ceilings and other substrates.

COLORANT means any pigment or coloring material added to a consumer product or architectural or industrial maintenance coating for an aesthetic effect, or to dramatize an ingredient.

CONCRETE CURING COMPOUND means a coating applied to freshly poured concrete to retard the evaporation of water.

CONCRETE/MASONRY CONDITIONER means a low-solids lacquer which is formulated and marketed specifically for use as a conditioner or sealer of concrete and

masonry surfaces.

CONSUMER PRODUCT means a chemically formulated product used by household, commercial, and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; and automobile specialty products. This definition of "consumer product" excludes architectural coatings.

CRAWLING BUG INSECTICIDE means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders. This category does not include products designed to be used exclusively on humans or animals.

DEODORANT means a product that is formulated for the purpose of minimizing the emanation of malodors from the human axilla by retarding the growth of bacteria which cause the decomposition of perspiration.

DISINFECTANT means any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, *et seq.*). Disinfectant does not include any of the following:

- (a) products designed solely for use on human or animals;
- (b) products designed for agricultural use;
- (c) products designed solely for use in swimming pools, therapeutic tubs, or hot tubs;
- (d) products which, which as indicated on the label, are designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes

DOUBLE-PHASE AEROSOL means an aerosol product with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

DRY FOG COATING means a spray coating formulated such that overspray droplets dry before falling on surfaces other than the substrate.

DUSTING AID means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. "Dusting Aid" does not include products which consist entirely of compressed gases for use in electronic or other specialty areas

ENGINE DEGREASER means a specialty cleaning product which is formulated to remove grease, oil, dirt, or other contaminants from the external surfaces of engines and

other mechanical parts.

FIRE RETARDANT COATING means a coating which has a flame spread index of less than 25 when tested in accordance with ASTM Designation E-84-87, Standard Test for Surface Burning Characteristics of Building Material after application to Douglas fir according to the manufacturer's recommendations.

FLAT ARCHITECTURAL COATING means a coating which registers a gloss of less than 15 on a gloss meter held at an 85° angle to the coated surface or less than five on a gloss meter held at a 60° angle, and which is described on the label as a flat coating.

FLEA AND TICK INSECTICIDE means an insecticide formulated for use against fleas and ticks, as well as their larvae and eggs. This category does not include products designed to be used exclusively on humans or animals.

FLEXIBLE FLOORING means resilient flooring which includes, but is not limited to, asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, and vinyl composite flooring.

FLOOR POLISH OR WAX means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. Floor Polish or Wax does not include spray buff products, products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and coatings subject to architectural coatings regulations.

FLYING BUG INSECTICIDE means an insecticide that is formulated for use against flies, mosquitoes, moths, gnats, and other flying arthropods. This category does not include products designed to be used exclusively on humans or animals.

FOGGER INSECTICIDE means an insecticide designed to release all or most of its contents, as a fine mist or fog, into indoor areas during a single application.

FORM RELEASE COMPOUND means a coating applied to a concrete form to prevent freshly poured concrete from bonding to the form. The form may consist of wood, metal, or any other material other than concrete.

FRAGRANCE means a substance or mixture of aroma chemicals, natural essential oils, or other functional components with a combined vapor pressure not in excess of two mm of Hg at 20°C, whose sole purpose is to impart an odor or scent, or to counteract a malodor.

FURNITURE MAINTENANCE PRODUCT means a wax, polish, conditioner, moisturizer, or other product formulated for the purpose of polishing, protecting, or

enhancing finished wood surfaces other than floors. This category does not include dusting aids, products designed solely for the purpose of cleaning finished wood surfaces, non-aerosol dual-purpose products designed for the purpose of cleaning and preserving finished wood surfaces, or products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

GEL means a colloid in which the dispersed and continuous phases combine to form a semi-solid material.

GENERAL PURPOSE CLEANER means a product formulated and marketed for general, all purpose cleaning, in contrast to specialty cleaning products designed for specific purposes, such as glass or oven cleaners. General Purpose Cleaner includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces.

GLASS CLEANER means a specialty product which is formulated and marketed primarily to remove dirt and other contaminants from glass surfaces. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

GRAPHIC ARTS COATING (SIGN PAINT) means a coating marketed solely for application to indoor or outdoor signs (excluding structural components and murals) and includes lettering enamels, poster colors, and bulletin colors.

HAIR SPRAY means a consumer product designed primarily for the purpose of dispensing droplets of a resin on or into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

HIGH TEMPERATURE INDUSTRIAL MAINTENANCE COATING means a coating formulated for and applied to substrates exposed continuously or intermittently to temperatures above 400 F.

HIGH VOLATILITY ORGANIC COMPOUND (HVOC) means a volatile organic compound that exerts a vapor pressure greater than 80 millimeters of mercury (mm of Hg), measured at 20 C and 760 mm of Hg.

HOUSEHOLD means a living quarters or residence that is occupied or is intended for occupation by individuals, including the immediate surroundings.

INDUSTRIAL MAINTENANCE COATING means a coating formulated for and applied to substrates that are exposed to one or more of the following extreme environmental conditions:

- (a) immersions in water, wastewater, or chemical solutions (aqueous and non-aqueous

- solutions), or chronic exposure of interior surfaces to moisture condensation;
- (b) acute or chronic exposure to caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures;
- (c) repeated exposure to temperatures in excess of 250 F;
- (d) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleaners, or scouring agents; or
- (e) exterior exposure of metal structures.

INSECTICIDE means a product formulated to kill or otherwise minimize the impact of insects and other arthropods found in or around the household. Insecticides must be registered for general use with the EPA under the FIFRA (7 U.S.C. Section 136-136y) and the Massachusetts Pesticide Board Subcommittee under the Massachusetts Pesticide Control Act (M.G.L. c. 132(B)).

LABEL means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package for purposes of branding, identifying, or giving information with respect to the product, use of the product, or to the contents of the package.

LACQUER means a clear or pigmented coating formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without a chemical reaction.

LAUNDRY PREWASH means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents or provides specialized performance.

LAWN AND GARDEN INSECTICIDE means an insecticide formulated primarily to be used on household lawns and gardens to protect plants from insects or other arthropods.

MAGNESITE CEMENT COATING means a coating for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

MANUFACTURER means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product or architectural & industrial maintenance coating.

MASTIC TEXTURE COATING means a coating which is formulated to cover holes and small cracks and to conceal surface irregularities. This category includes waterproofing mastic coatings.

METALLIC PIGMENTED COATING means a coating which is formulated with a minimum of 0.4 pound of metallic pigment per gallon, as applied.

MULTICOLOR COATING means a coating which exhibits more than one color when applied and which is packaged in a single container and applied in one coat.

NON-FLAT ARCHITECTURAL COATING means a coating which registers a gloss of 15 or greater on a gloss meter held at an 85° angle to the coated surface or five or greater on a gloss meter held at a 60° angle.

NON-RESILIENT FLOORING means a flooring material that is hard and inflexible. Nonresilient flooring includes terrazzo, marble, slate, granite, stone, ceramic tile, concrete, and brick.

QUICK DRY PRIMER/SEALER/UNDERCOAT means a primer, sealer, or undercoat which is intended to be applied to the surface of a substrate to perform one of the following functions: provide a firm bond between the substrate and subsequent coats; seal fire, smoke, or water damage; block stains; or condition porous surfaces; and which dries to touch within ½ hour; and can be recoated within two hours, as determined by ASTM-D1640 or other test method approved by the Department.

PUMP SPRAY means a packaging system in which the product contents are not pressurized and from which the product is expelled only while a pumping action is applied to a button, trigger, or other actuator.

ROOF COATING means a coating formulated for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which contain a minimum of 0.4 pound of metallic pigment per gallon, as applied, shall not be considered in this category, but shall be considered to be in the metallic pigmented coating category.

SANDING SEALER means a clear wood coating (excluding lacquer and shellac) formulated to be applied to bare wood for sanding preparation and to seal the wood for subsequent application of varnish. To be considered a sanding sealer, a coating must be clearly labeled as such.

SHELLAC means a clear or pigmented coating formulated with natural resins (except for nitrocellulose and gum resins), thinned with alcohol, and which dries by evaporation without a chemical reaction.

SINGLE-PHASE AEROSOL means an aerosol product in which the liquid contents consist of one homogeneous phase and which does not require that the product container be shaken before use.

SOLID means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as

determined under ASTM D-4359-90.

SPRAY BUFF PRODUCT means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

SWIMMING POOL COATING means a coating applied to the interior surface of swimming pools which is specifically formulated to resist swimming pool chemicals.

TILE-LIKE GLAZE COATING means a coating which is formulated to provide a tough, extra durable coating system, applied as a continuous (seamless) high-build film, and which cures to a hard glaze finish.

TINT BASE means a flat or non-flat architectural coating that contains titanium dioxide or an equivalent white pigment, and to which colorant is added to produce a desired color.

TRAFFIC COATING means a coating formulated and applied to streets, highways and other surfaces including, but not limited to, curbs, berms, driveways, and parking lots.

UNDERCOAT means a coating formulated and applied to provide a smooth surface for subsequent coats.

VARNISH means a clear or pigmented coating formulated with various resins to dry by chemical reaction on exposure to air and intended to provide a durable transparent or translucent solid protective film.

WATERPROOFING SEALER means a coating formulated and applied for the sole purpose of protecting porous substrates by preventing the penetration of water.

WAX means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). Wax includes, but is not limited to, substances derived from the secretions of plants and animals such as caruba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

WOOD PRESERVATIVE means any coating formulated to protect wood from decay or insect attack and which is registered as a pesticide product with the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. Section 136 - 136y) and the Massachusetts Pesticide Board Subcommittee under the Massachusetts Pesticide Control Act (M.G.L. c. 132(B)).

(3) Applicability.

- (a) Any person who manufactures a product which must comply with 310 CMR 7.25, shall continue to comply with all requirements of 310 CMR 7.25, even if the marketing claim or product characteristic which caused it to be subject to 310 CMR 7.25 is changed or discontinued.
- (b) 310 CMR 7.25(11) applies to any person who sells, offers for sale, uses, or manufactures for sale within Massachusetts, any architectural or industrial maintenance coating which is specified in 310 CMR 7.25(11)(b).
- (c) 310 CMR 7.25(12) applies to any person who sells, offers for sale, or who manufactures for sale within Massachusetts any consumer product which is specified in 310 CMR 7.25(12)(b).
- (4) Prohibition of Specification. No person shall solicit or require for use or specify the application of an architectural or industrial maintenance coating that is not in compliance with the provisions of 310 CMR 7.25. The prohibition of 310 CMR 7.25(4) shall apply to all written or oral contracts under the terms of which any architectural or industrial maintenance coating which is subject to the provisions of 310 CMR 7.25 is to be used within Massachusetts.
- (5) EPA Override Provision. If, at a future date, the EPA promulgates emissions standards for any consumer or commercial product regulated herein the EPA emissions standards for that product will supersede the standards specified in 310 CMR 7.25.
- (6) FIFRA-Registered Product Exemptions.
 - (a) For products that are registered with the U.S. Environmental Protection Agency as General Use pesticide products, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. Section 136-136y) the effective date of the VOC standards specified in 310 CMR 7.25(11) and (12) is November 1, 1996.
 - (b) The labeling requirements of 310 CMR 7.25(11)(e) and 7.25(12)(e) do not apply to products specified in 310 CMR 7.25(11)(b) and (12)(b) that are registered as pesticides under the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) with the U.S. Environmental Protection Agency and the Massachusetts Pesticide Board Subcommittee under the Massachusetts Pesticide Control Act.
- (7) Innovative Product Exemption.
 - (a) The Department shall exempt a product from the applicable volatile organic compound limit specified in 310 CMR 7.25 if the manufacturer can demonstrate by clear and convincing evidence, that due to some characteristic of the product

formulation, design, delivery system, or other factor(s), the use of the product will result in volatile organic compound emissions equal to or less than the volatile organic compound emissions from a product of the same product category which meets the applicable volatile organic compound limit. Any volatile organic compounds that remain in a product's container after the product is no longer useful for its intended purpose, will be assumed to be emitted to the ambient air during the disposal process. Such emission will be considered emissions resulting from the use of the product unless it can be demonstrated to the Department that the remaining volatile organic compounds will not be emitted to the ambient air. An exemption granted by the Department pursuant to 310 CMR 7.25(7) may specify such terms and conditions that are necessary to ensure that the emissions from the product will not exceed the emissions from the equivalent product that was used in the demonstration. If the volatile organic compound standard of a product category is lowered by the Department in the future, all innovative product exemptions granted for products in that product category expire as of the effective date of the new regulation.

(b) Any manufacturer of a product who wishes to receive an exemption under 310 CMR 7.25(7) must submit an application to the Department.

1. If the product was manufactured before January 1, 1995, the application for such exemption must be submitted before April 1, 1995.
2. If the product was not manufactured before January 1, 1995 the manufacturer must receive approval of its Innovative Product exemption application by the Department in writing before the product may be sold in Massachusetts.

(8) Compliance Certification Requirements.

(a) Each manufacturer of a product which must comply with 310 CMR 7.25 shall submit to the Department by October 1, 1995 a document which certifies that each product distributed for sale in Massachusetts is in compliance with 310 CMR 7.00. The manufacturer of any new product or any existing product which is reformulated so that the VOC content is increased by more than 1%, shall submit to the Department, no later than the initial date of manufacture for sale in Massachusetts, a document which certifies that the product is in compliance with 310 CMR 7.25. The certification shall be in accordance with 310 CMR 7.01, and shall include, at a minimum, the following:

1. The signature and address of the responsible official and the name and title of a designated contact person;
2. Any confidentiality claims, in accordance with 310 CMR 3.00;

3. Product brand name, category, and form (if applicable);
4. An explanation of the manufacturing date code, if applicable;
5. thinning or diluting instructions as stated on the container;
6. any other requirements specified by the Department.

(b) Manufacturers of architectural or industrial maintenance coatings subject to 310 CMR 7.25 shall, in addition to submitting the information required in 310 CMR 7.25(8)(a), include the following information: maximum VOC content of the coating in pounds VOC per gallon (or grams VOC per liter) less water, exempt solvents, and any colorant added to the tint base, after recommended thinning;

(c) Manufacturers of consumer products subject to 310 CMR 7.25 shall, in addition to submitting the information required in 310 CMR 7.25(8)(a), include the following information:

1. VOC content (percent by weight) of the product, excluding compounds which exhibit a vapor pressure less than 0.1 mm Hg at 20 °C, or which have greater than 12 carbon atoms if the vapor pressure is unknown;
2. Total VOC content (percent by weight) of the product, including compounds which exhibit a vapor pressure less than 0.1 mm Hg at 20 °C, or which have greater than 12 carbon atoms if the vapor pressure is unknown;
3. Total combined fragrance and colorant content (percent by weight);
4. For aerosol antiperspirants/deodorants only, total HVOC content (percent by weight);
5. For air fresheners and insecticides only, total para-dichlorobenzene content (percent by weight);

(9) and (10): Reserved)

(11) Architectural & Industrial Maintenance Coatings.

(a) Emissions Standards & Schedule.

1. Effective on or after October 1, 1995, no person subject to 310 CMR 7.25 shall manufacture for sale in Massachusetts any architectural or industrial maintenance coating which exceeds the emissions standards set forth in 310

CMR 7.25(11)(b).

2. No person subject to 310 CMR 7.25 shall sell, offer for sale, or apply any architectural or industrial maintenance coating manufactured after October 1, 1995 which exceeds the emissions limitations set forth in 310 CMR 7.25(11)(b).

(b) Emission Standards.

1. No person subject to 310 CMR 7.25(11) shall manufacture, sell, offer for sale, or apply a flat architectural or industrial maintenance coating with a VOC content greater than 2.09 pounds of VOC per gallon (250 grams of VOC per liter) of coating less water, exempt solvents, and any colorant added to a tint base, as applied.
2. No person subject to 310 CMR 7.25(11) shall manufacture, sell, offer for sale, or apply a non-flat architectural or industrial maintenance coating with a VOC content greater than 3.17 pounds of VOC per gallon (380 grams of VOC per liter) of coating less water, exempt solvents, and any colorant added to a tint base, as applied.
3. No person subject to 310 CMR 7.25(11) shall manufacture, sell, offer for sale, or apply an architectural or industrial maintenance coating listed in Table 310 CMR 7.25(11) with a VOC content greater than the limitations specified in Table 310 CMR 7.25(11), expressed as pounds of VOC per gallon (and grams of VOC per liter) of coating less water, exempt solvents, and any colorant added to a tint base, as applied.
4. All VOC containing materials shall be stored in closed containers when not in use, including, but is not limited to, being accessed, filled, emptied, maintained, or repaired.

TABLE 310 CMR 7.25(11)

VOC Emission Limitations for Architectural
or Industrial Maintenance Coatings

Coating Type	Emission Limit	
	lbs VOC/gal	grams VOC/liter
Anti-graffiti coating	5.01	600
Bituminous pavement sealer	0.80	100

Bond breakers	5.01	600
Calcimine recoating product	4.00	475
Concrete curing compound	2.92	350
Concrete/Masonry Conditioner	6.50	780
Dry fog coating	3.34	400
Fire retardant coating:		
clear	7.10	850
pigmented	4.17	500
Form release compound	2.09	250
Graphic arts coating (sign paint)	3.76	450
High temperature industrial maintenance coating	5.43	650
Industrial maintenance coating	3.76	450
Lacquer	5.68	680
Magnesite cement coating	3.76	450
Mastic texture coating	2.50	300
Metallic pigmented coating	4.17	500
Multicolor coating	5.01	600
Pretreatment wash primer	6.50	780
Primer/sealer/undercoat	2.92	350
Quick dry primer/sealer/undercoat	4.17	500
Roof coating	2.50	300
Sanding sealer	4.59	550
Shellac:		
clear	6.09	730
pigmented	4.59	550
Stains:		
semitransparent	4.59	550
opaque	2.92	350

Swimming pool coating	5.01	600
Tile-like glaze coating	4.59	550
Traffic coating	2.09	250
Varnish	3.76	450
Waterproofing sealer	5.01	600
Wood preservative	4.59	550
Any other architectural coating not specified elsewhere	2.09	250

(c) Most Restrictive Limit. If anywhere on a coating container, on any sticker or label affixed thereto, or in any sales or advertising literature, any representation is made that a coating is suitable for use as more than one type of coating listed in 310 CMR 7.25(11)(b), then the lowest VOC limitation shall apply. This requirement does not apply to the representation of the following coatings in the manner specified:

1. High temperature industrial maintenance coatings, which may be represented as metallic pigmented coatings for use consistent with the definition of high temperature industrial maintenance coatings:
2. Metallic pigmented coatings, which may be recommended for use as primers, sealers, undercoats, roof coatings, or industrial maintenance coatings.
3. Shellacs, represented in any other manner.
4. Lacquer sanding sealers which may be recommended for use as sanding sealers in conjunction with clear lacquer topcoats.
5. Industrial maintenance coatings specifically formulated and marketed as rust preventive coatings, which may be represented as primers.

(d) Exemptions & Exclusions.

1. The requirements of 310 CMR 7.25(11) do not apply to:
 - a. Architectural or industrial maintenance coatings specified in 310 CMR 7.25(11)(b), that are sold, offered for sale, or manufactured in Massachusetts for shipment and use outside of Massachusetts.

- b. Architectural or industrial maintenance coatings sold in and applied from containers with a capacity of one liter or less.
 - c. Architectural or industrial maintenance coatings sold in non-refillable aerosol containers with a capacity of one liter or less.
- (e) Labeling Requirements. No person subject to 310 CMR 7.25 shall manufacture for sale in Massachusetts, sell, offer for sale, or apply any architectural or industrial maintenance coating specified in 310 CMR 7.25(11)(b) in Massachusetts unless:
- 1. The containers for all subject architectural or industrial maintenance coatings display the day, month, and year on which the product was manufactured, or a code indicating such date. The manufacturer shall supply an explanation of each code to the Department pursuant to 310 CMR 7.25(8), and thereafter, at least 30 days before the use of any new code; and,
 - 2. The containers for all subject architectural or industrial maintenance coatings display on each container a statement of the manufacturer's recommendation for thinning of the coating. If thinning is necessary, the recommended amount of thinner added for use under normal environmental and application conditions must not cause the coating, as applied, to exceed the applicable VOC limitation. If thinning of the coating prior to use is not necessary for normal environmental and application conditions, the recommendation must state that the coating is to be applied without thinning under normal environmental and application conditions. This requirement does not apply to the thinning of architectural & industrial maintenance coatings with water; and,
 - 3. The containers for all subject architectural or industrial maintenance coatings display on each container the maximum VOC content of the coating, expressed as pounds of VOC per gallon or grams of VOC per liter of coating, excluding water, exempt solvents, and any colorant added to a tint base. If any thinning is recommended on the label, the maximum VOC content displayed must be after the recommended thinning.
- (f) Testing Requirements.
- 1. Any person subject to 310 CMR 7.25 shall, upon request of the Department, perform or have performed tests to demonstrate compliance with 310 CMR 7.25(11)(b). Testing shall be conducted in accordance with EPA Method 24 as described in CFR Title 40 Part 60, or by any other methods approved by the Department and EPA.

2. Demonstration of compliance with the requirements of 310 CMR 7.25(11)(b) may also be accomplished through calculation of the volatile organic compound content from records of the amounts of constituents used to make the product. Compliance demonstration based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least five consecutive years, and must be available to the Department upon request.

(12) Consumer Products.

- (a) BAC Requirements & Schedule. No person subject to 310 CMR 7.25 shall sell, offer for sale, or manufacture for sale in Massachusetts any consumer product manufactured after October 1, 1995, unless it complies with the applicable volatile organic compound content limitation in Table 310 CMR 7.25(12)(b)1. or 7.25(12)(b)2., subject to the exclusions set forth in 310 CMR 7.25(12)(d).

- (b) BAC Emissions Limitations.

1. Any person subject to 310 CMR 7.25(12) shall comply with the volatile organic compound content limitations specified in the following table:

TABLE 310 CMR 7.25(12)1

VOC Emission Limitations for Consumer Products
(percent VOC by weight)

Product Category	Content Limitations (percent VOC by weight)
Air Freshener	
Single-Phase Aerosol	70
Double-Phase Aerosol	30
Liquid/Pump Spray	18
Solid/Gel	3
Engine Degreaser	75
Floor Polish/Wax	
Flexible flooring	7
Nonresilient flooring	10
Wood Floor Wax	90

Furniture Maintenance Products	
Aerosol	25
All Other Forms (except solid or paste)	7
General Purpose Cleaner	10
Glass Cleaner	
Aerosol	12
All Other Forms	8
Hair Spray	80
Insecticide	
Crawling Bug	40
Flea and Tick	25
Flying Bug	35
Fogger	45
Lawn and Garden	20
Laundry Prewash	
Aerosols/Solids	22
All Other Forms	5

2. Antiperspirant and Deodorant HVOC Content Limitations. Any person subject to 310 CMR 7.25 shall comply with the volatile organic compound content limitations specified in the following table:

TABLE 7.25(12)2
HVOC Emission Limitations
(percent VOC by weight)

Product	HVOC*
Aerosol Antiperspirant	60
Aerosol Deodorant	20

* High volatility organic compound - a volatile organic compound that has a vapor pressure greater than 80 millimeters of mercury (mm of Hg), measured at 20 °C and 760 mm of Hg.

3. For consumer products which display, on the label, packaging, or in accompanying literature, a statement that the contents should be diluted before use, clear instructions on the recommended dilution procedure should be included, and the volatile organic compound limitations specified above shall

apply only after the minimum recommended dilution occurs. For purposes of 310 CMR 7.25(12)(b)3., "minimum recommended dilution" shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(c) Most Restrictive Limit. If anywhere on a product container, on any sticker or label affixed thereto, or in any sales or advertising literature, any representation is made that a product is suitable for use as more than one type of product listed in 310 CMR 7.25(12)(b), then the lowest VOC limitation shall apply. This requirement does not apply to antiperspirants and general purpose cleaners.

(d) Exclusions and Exemptions.

1. The requirements of 310 CMR 7.25(12) do not apply to:
 - a. Any consumer product specified in 310 CMR 7.25(12)(b), that is sold, offered for sale, or manufactured in Massachusetts for shipment and use outside of Massachusetts.
 - b. air fresheners and insecticides which contain at least 98% para-dichlorobenzene.
 - c. air fresheners comprised entirely of fragrance, less exempt or non-volatile organic compounds.
 - d. bait station insecticides.
2. The following compounds are excluded when determining compliance with the volatile organic compound content limitation requirements specified in 310 CMR 7.25(12)(b):
 - a. volatile organic compounds which exert a vapor pressure of less than 0.1 mm of mercury (Hg), when measured at 20 Centigrade and 760 mm of Hg.
 - b. volatile organic compounds which consist of more than 12 carbon atoms, if the vapor pressure is unknown.
 - c. fragrances and colorants up to a combined total of 2% by weight of product contents.

(e) Labeling Requirements. No person subject to 310 CMR 7.25 shall manufacture for sale in Massachusetts, sell, or offer for sale, any product specified in 310 CMR

7.25(12)(b) in Massachusetts unless the containers for all applicable products display the day, month, and year on which the product was manufactured, or a code indicating such date. The manufacturer shall supply an explanation of each code to the Department pursuant to 310 CMR 7.25(8), and thereafter, at least 30 days before the use of any new code.

(f) Testing Requirements.

1. Any person subject to 310 CMR 7.25 shall, upon request of the Department, perform or have performed tests to demonstrate compliance with 310 CMR 7.25(12)(b). Testing shall be conducted in accordance with one or more of the following analytical methods: Method 24 or 24A, CFR Title 40, Part 60; Method 1400, NIOSH Manual of Analytical Methods, Volume 1, February 1984; Environmental Protection Agency Method 8240 "GC/MS Method for Volatile Organics," September 1986; or by other methods approved by the Department and the EPA.
2. Demonstration of compliance with the requirements of 310 CMR 7.25(12)(b) may also be accomplished through calculation of the volatile organic compound content from records of the amounts of constituents used to make the product. Compliance demonstration based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least five consecutive years, and must be available to the Department upon request.
3. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (May 25, 1990).